

USN 10/066,595  
Art Unit: 1723

**Remarks**

While the applicants do not agree with the Examiner's interpretation of the language of claim 12, they have specified that the pump is configured to operate cyclically. The wording "cyclically operating" in the context of claim 12 was not intended to describe an act; rather when properly interpreted in the context of an apparatus claim it clearly describes a type of pump, namely one that is configured or designed to operate cyclically. One can buy cyclically operating, or cyclic pumps. It would be evident to one skilled in the art within the context of an apparatus claim that a cyclically operating pump is a pump that operates cyclically when you switch it on. It is believed that the amended wording avoids any doubt as to meaning.


Claim 12 has been amended to state that the mixing body includes means for ensuring even mixing, rather than specifying the result.

Since the Examiner did not give patentable weight to the above features, it is believed that the claim should be allowable since they are now recited in positive form. When such features are given their proper consideration, it is respectfully submitted that Gray is not relevant because it clearly fails to show a pump configured to operate cyclically so as to deposit discrete quantities of liquid, and fails to show means for ensuring even mixing.

The applicants have added new claims 16 to 20 defining further features of the invention. Support for claim 16 is found in paragraph [0085]. Claims 17 to 20 are directed to the extruders 24 and 38 and the second cooling tunnel 14.

It is believed that the application is now in condition for allowance, and such action is respectfully requested.

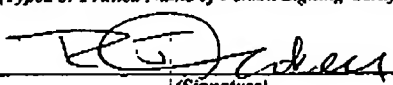
Respectfully submitted,

  
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 15653-US
Applicant(s): Van MILLER, et al.			
Serial No. 10/066,595	Filing Date February 6, 2002	Examiner SORKIN, David L.	Group Art Unit 1723
Invention: PROCESS AND APPARATUS FOR PRODUCTION OF STRIATED, LAMINATED LIPID-BASED CONFECTIONS			
<p>I hereby certify that this <u>Request for Continued Examination</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademarks Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>November 10, 2004</u> (Date)</p> <p>Richard J. Mitchell 34,519 (Typed or Printed Name of Person Signing Certificate)</p> <p> (Signature)</p> <p>Note: Each paper must have its own certification of mailing.</p>			

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